

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action # 05-10192 RWZ

ONE STAR CLASS SLOOP SAILBOAT  
BUILT IN 1930 WITH HULL NUMBER  
721, NAMED "FLASH II",

Defendant.

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KERRY SCOTT LANE,

Claimant.

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**CLAIMANT'S MOTION FOR LEAVE TO FILE A REPLY TO  
THE GOVERNMENT'S OPPOSITION TO  
CLAIMANT'S PETITION FOR ATTORNEY'S FEES**

Claimant, Kerry Lane, M.D., through undersigned counsel, hereby requests leave, pursuant to Local Rule 7.1(b)(3), to file a reply to the government's Opposition to Claimant's Motion for Attorney's Fees. As grounds for this motion Claimant states the following:

1. This Court's Supplemental Findings and Order, entered October 24, 2007, set deadlines for Claimant to file a fee petition and for the government to file a response. It did not mention any deadline for Claimant to reply to the government's response.
2. The government's Opposition raises numerous issues which Claimant has not had a chance to brief. The opposition also makes many factual representations which Claimant disputes. Responding to the factual issues will likely require obtaining declarations of counsel or the client. Additionally the government makes a number of legal arguments without supporting

citations, which will require Claimant to do extra research to refute.

3. Claimant's lead counsel was out of town on a case last week and was not able to review the government's opposition until Sunday evening. Additionally, she has a prior commitment in another case that will take her out of town early Tuesday morning, and she will not be back until Tuesday evening. She seeks one week from today (Monday) to file a reply to the government's Opposition.

4. Pursuant to Local Rule 7.1(a)(2), Claimant's counsel has emailed opposing counsel, stating that she intended to file this motion for leave to file a reply. AUSA Rue responded saying that she would consent to an extension until Wednesday, December 12, but would object to any further time after that. Counsel emailed her back explaining that she would be out of town all day on Tuesday, December 11, and asking her how the government would be prejudiced by the additional extension of time. She has not responded to that email.

WHEREFORE, for the foregoing reasons this Court should allow Claimant to file a reply by Monday December 17.

Respectfully submitted,  
Kerry Scott Lane, MD,

By his attorneys,

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s/Brenda Grantland  
Brenda Grantland, Esq.  
Law Office of Brenda Grantland  
20 Sunnyside Suite A-204  
Mill Valley, CA 94941  
(415) 380-9108  
(Pro hac vice)

s/Eric B. Goldberg  
Jeffrey P. Allen (BBO# 015500)  
Eric B. Goldberg (BBO# 564398)  
Seegel Lipshutz & Wilchins, P.C.  
Wellesley Office Park  
20 William Street, Suite 130  
Wellesley, MA 02481  
(781) 237-4400  
(Local counsel)